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1 FW of RCE  
1714

**CERTIFICATE OF MAILING**  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

May 7, 2004

*Cynde Meinhart*  
Cynde Meinhart

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

M. STEPHEN GALLAND ET AL.

Serial No.: 09/748,529

Filed: December 22, 2000

For: UV- OR HEAT-TRIGGERED LOW  
OXYGEN PACKAGING SYSTEM  
EMPLOYING AN OXIDIZABLE  
POLYMER RESIN AND A PEROXIDE

Group Art Unit: 1714

Examiner: Joseph D. Anthony

Attorney Docket: 2039.006200/RFE  
(09748529US00)

CUSTOMER NO. 37774

**MAIL STOP RCE**  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114**

This is a Request for Continued Examination (RCE) of the above-identified application.

1. **Submission required under 37 C.F.R. § 1.114**

a.  Previously submitted

05/11/2004 SSITHIB1 00000031 09748529

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i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on April 6, 2004.

(Any unentered amendments referred to above will be entered).

ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_.

iii.  Other \_\_\_\_\_.

b.  Enclosed

i.  Preliminary Remarks      iii.  Information Disclosure Statement

ii.  Request for Extension of Time      iv.  Other \_\_\_\_\_

2. **Miscellaneous**

a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) **required**)

b.  Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0786/2039.006200RFE if check missing or insufficient.

i.  RCE fee required under 37 C.F.R. § 1.17(e)

ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii.  Other \_\_\_\_\_.

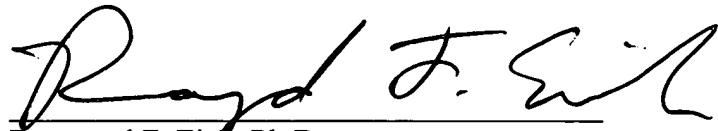
b.  Check in the amount of \$1720 enclosed.

c.  Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.  
CUSTOMER NO. 37774



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AGENT FOR APPLICANTS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: )  
M. STEPHEN GALLAND ET AL. )  
Serial No.: 09/748,529 ) Group Art Unit: 1714  
Filed: December 22, 2000 ) Examiner: Joseph D. Anthony  
For: UV- OR HEAT-TRIGGERED LOW ) Attorney Docket: 2039.006200/RFE  
OXYGEN PACKAGING SYSTEM ) (09748529US00)  
EMPLOYING AN OXIDIZABLE )  
POLYMER RESIN AND A PEROXIDE ) CUSTOMER NO. 37774

**PRELIMINARY REMARKS**

**MAIL STOP RCE**  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

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May 7, 2004



Cynde Meinhart

Sir:

These remarks are submitted with a request for continued examination filed this date.

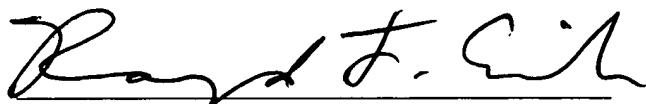
In the advisory action of April 20, 2004, the Examiner alleged that the declaration of Anne Ebbesen, filed on April 6, 2004, was faulty on the grounds it was dated "06/02/04." It should be apparent that Ms. Ebbesen used the European convention of "dd/mm/yy" in abbreviating the date February 6, 2004. Also, the Examiner baldly states Applicants' response, filed on April 6, 2004, "clearly does not overcome the applied Jerdee et al. reference," but the Examiner made no argument in support of this statement. As Applicants stated previously,

Jerdee does not provide an example of using aseptic packaging with oxygen scavenging packaging articles and thus, the reference did not recognize the prospect that the sterilization technique could also serve to reduce the oxygen scavenging induction period. Jerdee does not teach or suggest the claimed limitation of reducing the induction period of oxygen scavenging.

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.  
CUSTOMER NO. 37774

May 7, 2004



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AGENT FOR APPLICANTS

Serial No. 09/748,529  
Preliminary Remarks